

## Message Text

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ACTION EA-10

INFO OCT-01 ISO-00 L-03 CPR-01 /015 W

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R 220840Z JUL 75

FM AMEMBASSY SINGAPORE

TO SECSTATE WASHDC 3092

LIMITED OFFICIAL USE SECTION 1 OF 2 SINGAPORE 3146

FOR EA/IMS AND L/SFP

E.O. 11652: N/A

TAGS: OTRA OGEN AFSP SN

SUBJ: SINGAPORE REFUSES TO EXEMPT DIPLOMATIC CORPS FROM  
RESTRICTIVE TRAFFIC SCHEME

1. SUMMARY. ON JULY 9 THE MINISTRY OF FOREIGN AFFAIRS INFORMED THE DEAN OF THE DIPLOMATIC CORPS THAT THE CABINET HAD DECIDED THAT DIPLOMATIC PERSONNEL WOULD NOT BE EXEMPTED FROM A HIGHLY RESTRICTIVE PLAN DESIGNED TO LIMIT TRAFFIC INTO THE CENTRAL BUSINESS DISTRICT (CBD) DURING THE MORNING RUSH HOUR. THE ONLY EXCEPTION WOULD BE FOR HEADS OF MISSION WHOSE CHANCERIES ARE LOCATED IN THE CBD. MOST OF THE DIPLOMATIC CORPS STRONGLY DISAGREE WITH THIS DECISION AND BELIEVE THAT THE IMPOSITION OF THIS PLAN ON DIPLOMATIC PERSONNEL CONSTITUTES A VIOLATION OF ARTICLES 25 AND 26 OF THE VIENNA CONVENTION ON DIPLOMATIC RELATIONS. FOLLOWING THE CABINET DECISION I DECIDED THAT THE EMBASSY HAD NO ACCEPTABLE ALTERNATIVE BUT TO COMPLY WITH THE GOVERNMENT'S DECISION AND DIRECTED THAT NECESSARY MEASURES BE TAKEN TO CONFORM TO IT. HOWEVER, I BELIEVE THE EMBASSY SHOULD FORMALLY NOTIFY MFA THAT ITS COMPLIANCE DOES NOT SIGNIFY ACCEPTANCE AND THAT THE EMBASSY PROTESTS THE APPLICATION OF THIS PLAN TO MEMBERS OF THE DIPLOMATIC CORPS IN SINGAPORE. THE EMBASSY REQUESTS ASAP THE DEPARTMENT'S CONCURRENCE AND/OR COMMENTS. END SUMMARY.

2. SINCE JUNE 2 THE GOS HAS SEVERELY RESTRICTED DURING THE MORNING RUSH HOURS AUTOMOBILE TRAFIC INTO THE CENTRAL BUSINESS DISTRICT (CBD) WHERE THE EMBASSY AND THE REGIONAL TRADE CENTER ARE LOCATED. THIRTEEN EMBASSIES AND CONSULATES (OUT OF A TOTAL OF 45) ARE LOCATED IN THE CBD. UNDER THIS PLAN ALL VEHICLES EXCEPT BUSES AND TRUCKS ENTERING THE DISTRICT BETWEEN 7:30

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TRICT (CBD) WHERE THE EMBASSY AND THE REGIONAL TRADE CENTER ARE LOCATED. THIRTEEN EMBASSIES AND CONSULATES (OUT OF A TOTAL OF 45) ARE LOCATED IN THE CBD. UNDER THIS PLAN ALL VEHICLES EXCEPT BUSES AND TRUCKS ENTERING THE DISTRICT BETWEEN 7:30

AM AND 9:30 AM MUST EITHER CARRY 4 PASSENGERS OR BEAR A SPECIAL STICKER COSTING D\$60 PER MONTH. BEGINNING AUGUST 1 THIS PLAN WILL BE EXTENDED UNTIL 10:15 AM AND GOVERNMENT SOURCES INDICATE THAT CONSIDERATION IS BEING GIVEN TO IMPLEMENTING IT DURING PEAK HOUR TRAFFIC IN THE LATE AFTERNOON.

3. THE GOVERNMENT HAS BEEN EXCEPTIONALLY RIGID IN REFUSING TO PERMIT ANY EXCEPTIONS TO THE SCHEME; DOCTORS, GOVERNMENT OFFICIALS AND EVEN CABINET MINISTERS ARE INCLUDED. THE DIPLOMATIC CORPS, ACTING THROUGH THE DEAN (PHILIPPINE AMBASSADOR GARCIA), HAS TAKEN STRONG EXCEPTION TO THE IMPOSITION OF THIS RESTRICTIVE PLAN ON DIPLOMATIC PERSONNEL. THE CORPS HAS CITED ARTICLES 25 AND 26 OF THE VIENNA CONVENTION WHICH STIPULATE THAT THE RECEIVING STATE SHALL ACCORD DIPLOMATIC PERSONNEL FULL FACILITIES FOR THE PERFORMANCE OF THE FUNCTIONS OF THE MISSION, AND ENSURE TO ALL MEMBERS OF DIPLOMATIC MISSIONS FREEDOM OF MOVEMENT AND TRAVEL THROUGHOUT THE TERRITORY OF THE RECEIVING STATE EXCEPT FOR AREAS REGULATED FOR REASONS OF NATIONAL SECURITY. ALTHOUGH MFA HAS BEEN SYMPATHETIC TO THESE REPRESENTATIONS, OTHER MINISTRIES HAVE STRONGLY OPPOSED MFA'S EFFORTS TO OBTAIN LIBERALIZATION FOR THE DIPLOMATIC CORPS. THE ISSUE FINALLY WENT TO CABINET WHERE IT WAS DECIDED THAT THE ONLY EXCEPTION WHICH WOULD BE GRANTED WOULD BE FOR HEADS OF MISSION WHOSE CHANCERIES ARE LOCATED WITHIN THE CBD. THIS DECISION WAS CONVEYED TO THE DEAN OF THE CORPS IN AN MFA NOTE DATED JULY 9, AND THE DEAN CIRCULATED THE NOTE TO THE DIPLOMATIC, CONSULAR AND TRADE MISSIONS ON JULY 11. THE MINISTRY EXPRESSED THE HOPE THAT THE DIPLOMATIC AND CONSULAR CORPS WOULD APPRECIATE THAT THE PLAN WAS NOT DIRECTED AGAINST ANYBODY IN PARTICULAR. IN COMMENTING TO THE PRESS GOVERNMENT SOURCES HAVE NOTED THAT SINGAPORE HAS NEVER SIGNED THE VIENNA CONVENTION.

4. MOST OF THE MEMBERS OF THE DIPLOMATIC CORPS STRONGLY DISAGREE WITH THE GOVERNMENT'S POSITION. THEY ARE SYMPATHIC TO THE PROBLEM OF REDUCING TRAFFIC CONGESTION OF PEAK HOURS, BUT FEEL THAT THE GOVERNMENT SHOULD HAVE SOUGHT THEIR COOPERATION LIMITED OFFICIAL USE  
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THROUGH VOLUNTARY COMPLIANCE TO THE EXTENT POSSIBLE. SOME HAVE WRITTEN BACK TO THEIR HOME MINISTRIES REQUESTING INSTRUCTIONS AND SOME EMBASSIES (ESPECIALLY THOSE LOCATED OUTSIDE THE RESTRICTED ZONE) HAVE DECIDED SIMPLY TO AVOID THE ZONE DURING THE RESTRICTED HOURS. SOME OF THESE MISSIONS HAVE TAKEN THE POSITION THAT THEY WILL REFUSE TO ENTER THE DISTRICT DURING THE CONTROLLED HOURS IF REQUESTED BY ANY GOVERNMENT DEPARTMENT UNLESS THE GOVERNMENT EXEMPTS THEM FROM THE APPLICATION OF THE SCHEME OR PAYS THE FEE.

5. WHEN THE PLAN WAS FIRST IMPLEMENTED ON JUNE 2, THE EMBASSY CHANGED ITS OPENING TIME FROM 7:45 AM TO 7:30 AM SO THAT ALL

EMPLOYEES COULD ARRIVE AT WORK ON TIME WITHOUT HAVING TO PASS THROUGH THE ZONE AT A TIME WHEN THE RESTRICTIONS WERE IN OPERATION. THE EMBASSY ALSO INSTRUCTED ITS SINGAPORE NATIONAL AND ON-DIPLOMATIC AMERICAN PERSONNEL TO COMPLY WITH THE SCHEME, AND ITS DIPLOMATIC PERSONNEL TO COMPLY TO THE EXTENT POSSIBLE WHETHER USING PRIVATE OR OFFICIAL CD CARS. HOWEVER, DIPLOMATIC PERSONNEL WERE INSTRUCTED TO IGNORE THE RESTRICTIONS IF OFFICIAL BUSINESS ABSOLUTELY REQUIRED TRANSITING THE BOUNDARIES OF THE RESTRICTED ZONE DURING THE CONTROLLED PERIOD. WITH THE EXCEPTION OF ONE DRIVER IN THE DAO OFFICE WHO WAS PREVENTED ON ONE OCCASION FROM ENTERING THE ZONE UNTIL 9:30, EMBASSY PERSONNEL WERE NOT STOPPED BY POLICE AND DID NOT RECEIVE ANY TRAFFIC TICKETS FOR THE VERY FEW TRANSITS OF THE ZONE COMMITTED DURING THE RESTRICTED HOURS IN THE PERIOD JUN 2 TO JULY 11. (THE FINE FOR ENTERING THE ZONE WITHOUT EITHER A STICKER OR 4 PASSENGERS IS S\$50.) HOWEVER, THE AUSTRALIAN HIGH COMMISSION RECEIVED ONE TRAFFIC VIOLATION SUMMONS AND THE BELGIANS RECEIVED ANOTHER. FURTHERMORE, THE SWISS CHARGE REPORTED AT THE LAST MEETING OF THE DIPLOMATIC CORPS THAT HE HAD RECEIVED INFORMATION FROM A SWISS ADVISOR IN THE MINISTRY OF COMMUNICATIONS THAT IF DIPLOMATIC PERSONNEL REFUSED TO COMPLY WITH THE GOVERNMENT DECISION, THE GOVERNMENT WOULD FORCE COMPLIANCE BY ASSESSING POINTS AGAINST SINGAPOREAN CHAUFFEURS OF THE EMBASSY VEHICLES FOR EACH VIOLATION. UNDER EXISTING TRAFFIC LAW THEY WOULD EVENTUALLY HAVE THEIR DRIVER'S LICENSES REMOVED OR SUSPENDED ONCE THEIR POINTS TOTALLED A CERTAIN NUMBER.

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ACTION EA-10

INFO OCT-01 ISO-00 L-03 CPR-01 /015 W

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FM AMEMBASSY SINGAPORE

TO SECSTATE WASHDC 3093

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6. THE AUSTRALIAN HIGH COMMISSION AND THE DANISH EMBASSY (BOTH LOCATED WITHIN THE RESTRICTED ZONE) HAVE ALREADY YIELDED TO THE GOVERNMENT'S DECISION. THE AUSTRALIAN HIGH COMMISSIONER HAS ADVISED ME THAT WHILE HIS MISSION HAS COMPLIED, IT HAS DONE SO UNDER PROTEST. FURTHERMORE, HE UNDERSTANDS CANBERRA IS CONTEMPLATING SIMILAR OR EQUIVALENT RESTRICTIONS AGAINST THE SINGAPORE HIGH COMMISSION IN CANBERRA. OTHER EMBASSIES ARE EITHER AWAITING INSTRUCTIONS OR WAITING TO SEE WHETHER THE

GOVERNMENT WILL TAKE ENFORCEMENT ACTION AGAINST THEM.

7. ONCE THE CABINET MADE ITS DECISION, I DECIDED THAT THE EMBASSY HAD NO ACCEPTABLE ALTERNATIVE BUT TO COMPLY WITH THE GOVERNMENT'S DECISION. IN ADDITION TO ASSESSING VIOLATIONS AGAINST EMBASSY DRIVERS, THE MFA COULD ALSO HARASS THE EMBASSY IN MANY OTHER DIFFERENT WAYS BY IGNORING REQUESTS FOR CD PLATES AND A DOZEN OTHER ADMINISTRATIVE MATTERS IN WHICH MFA CONCURRENCE IS ROUTINELY REQUIRED. I DID NOT BELIEVE IT WAS PROPER TO EXPOSE OUR SINGAPORE NATIONALS EMPLOYEES TO POSSIBLE HARRASSMENT, AND THAT IT WOULD BE POLITICALLY UNWISE GIVEN MORE IMPORTANT US INTERESTS IN SINGAPORE TO CONFRONT THE GOVERNMENT ON THIS ISSUE. THEREFORE, THE EMBASSY HAS PURCHASED MONTHLY STICKERS FOR ALL OF ITS OFFICIAL CARS EXCEPT THE AMBASSADOR'S SEDAN WHICH IS GRANTED EXEMPTION BY THE GOVERNMENT. (THE EMBASSY ANTICIPATED THIS POSSIBILITY AND BUDGETED FOR IT.) THE CHANGE IN EMBASSY HOURS AND THE USE OF BUSES AND CAR POOLS HAVE SO FAR MADE IT POSSIBLE FOR BOTH AMERICAN AND SINGAPOREAN STAFF TO TRAVEL TO THE OFFICE AND RETURN HOME WITHOUT VIOLATING THE PROVISIONS OF THE PLAN AND WITHOUT PURCHASING STICKERS. IF THE PLAN IS EXTENDED TO AFTERNOON RUSH HOUR, THE EMBASSY MAY HAVE TO HIRE LIMITED OFFICIAL USE  
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A BUS TO TAKE PERSONNEL TO WORK.

8. ALTHOUGH THE EMBASSY HAS HAS COMPLIED WITH THE LAW, I BELIEVE IT SHOULD INFORM MFA THAT ITS COMPLIANCE DOES NOT SIGNIFY ACCEPTANCE OF THE GOVERNMENT'S POSITION ON THIS MATTER, AND THAT THE EMBASSY PROTESTS THIS INFRINGEMENT OF FUNDAMENTAL INTERNATIONAL LAW AND DIPLOMATIC PRACTICE WHICH SUPPORTS THE RIGHT OF FREEDOM OF MOVEMENT AND TRAVEL FOR DIPLOMATIC PERSONNEL.

9. UNLESS THE DEPARTMENT DIRECTS OTHERWISE, I PROPOSE TO SEND A NOTE TO MFA MAKING THE FOLLOWING POINTS:

A. FROM THE INCEPTION OF THE NEW PLAN TO RESTRICT TRAFFIC IN THE CBD THE EMBASSY ALTERED ITS HOURS AND TRIED TO CONFORM TO THE REQUIREMENTS OF THE PLAN TO THE EXTENT POSSIBLE. THE EMBASSY FELT THIS WAS CONSISTENT WITH THE PROVISIONS OF ARTICLE 41 OF THE VIENNE CONVENTION WHICH REQUIRES ALL DIPLOMATS TO RESPECT THE LAWS AND REGULATIONS OF THE RECEIVING STATE.

B. UNDER ARTICLES 25 AND 26 OF THE VIENNA CONVENTION WHICH THE EMBASSY BELIEVES REFLECTS LONG STANDING INTERNATIONAL LAW AND DIPLOMATIC PRACTICE, PERSONNEL OF THE EMBASSY HAVE THE RIGHT TO FREEDOM OF MOVEMENT AND TRAVEL IN SINGAPORE EXCEPT IN ZONES REGULATED FOR REASONS OF NATIONAL SECURITY.

C. THEREFORE, THE EMBASSY CANNOT ACCEPT THAT ANY MEMBERS OF THE CORPS SHOULD BE REQUIRED TO COMPLY WITH THE PROVISIONS OF THE PLAN. FURTHERMORE, IT CANNOT ACCEPT ANY DISTINCTION DRAWN

BETWEEN DIPLOMATIC MISSIONS LOCATED WITHIN THE CBD AND THOSE LOCATED OUTSIDE IT.

D. THE EMBASSY MUST THEREFORE PROTEST THE APPLICATION OF THIS PLAN TO MEMBERS OF THE DIPLOMATIC CORPS IN SINGAPORE.

E. ALTHOUGH THE EMBASSY HAS NO ALTERNATIVE BUT TO COMPLY WITH THE PLAN TO AVOID POSSIBLE INCIDENTS INVOLVING BOTH SINGAPOREAN AND AMERICAN MEMBERS OF ITS STAFF, THIS COMPLIANCE DOES NOT SIGNIFY ACCEPTANCE AND IS WITHOUT PREJUDICE TO THE ISSUES INVOLVED.

10. ACTION REQUESTED: THE EMBASSY WOULD APPRECIATE ASAP THE LIMITED OFFICIAL USE  
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DEPARTMENT'S CONCURRENCE OR COMMENTS ON THE PROPOSED NOTE. I RECOGNIZE THAT A CASE CAN BE MADE THAT THE PLAN MERELY REPRESENTS ANOTHER FORM OF TRAFFIC CONTROL AND DOES NOT SERIOUSLY JEOPARDIZE FREEDOM OF TRAVEL. HOWEVER, ON BALANCE, THE EMBASSY AGREES WITH THE POSITION OF THE CORPS THAT THE PLAN DOES VIOLATE BOTH THE PROVISIONS AND THE INTENTION OF ARTICLES 25 AND 26 OF THE VIENNA CONVENTION. (PRESUMABLY, THE GOVERNMENT COULD THEORETICALLY RAISE THE FEE TO A PROHIBITIVE LEVEL THEREBY HALTING ALL TRAFFIC COMPLETELY IN THESE HOURS.

11. CURRENT POLITICAL RELATIONS BETWEEN SINGAPORE AND THE US ARE EXCELLENT. SINCE THE MFA IS SYMPATHETIC TO THE POSITION TAKEN BY THE CORPS AND THE EMBASSY IS COMPLYING WITH THE GOVERNMENT'S DECISION, THE EMBASSY DOES NOT CONSIDER THAT A NOTE DRAFTED ALONG THE ABOVE LINES WOULD CAUSE ANY POLITICAL PROBLEM WITH THE SINGAPORE GOVERNMENT. ALTHOUGH THE NOTE WOULD HAVE LITTLE IMMEDIATE PRACTICAL EFFECT, IT WOULD SERVE TO DEMONSTRATE THE EMBASSY'S AGREEMENT WITH THE POSITION TAKEN BY VIRTUALLY ALL OF THE CORPS AND WOULD PUT THE GOVERNMENT ON NOTICE THAT THE EMBASSY STRONGLY OBJECTS TO THE CABINET DECISION. MFA DOES NOT CARRY MUCH CLOUT WITHIN THE GOS AND THERE HAVE BEEN OTHER ISSUES INVOLVING TAXES ON UNUSED EMBASSY LAND, ETC. IN WHICH THE MINISTRY OF FINANCE HAS RUN ROUGHSHOD OVER THE MINISTRY OF FOREIGN AFFAIRS. THE PRESENTATION OF A PROTEST NOTE ON THIS SUBJECT, ESPECIALLY IF MANY SIMILAR NOTES ARE RECEIVED FROM OTHER EMBASSIES, AS THEY ALMOST CERTAINLY WILL BE, WILL PROVIDE MFA WITH FURTHER EVIDENCE THAT DIPLOMATIC MISSIONS REACT ADVERSELY WHEN THEIR PRIVILEGES AND IMMUNITIES ARE INFRINGED. THIS COULD SERVE TO MAKE THE GOVERNMENT SOMEWHAT MORE CAUTIOUS IN THE FUTURE.  
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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 26 AUG 1999  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** n/a  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 22 JUL 1975  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** GolinoFR  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1975SINGAP03146  
**Document Source:** ADS  
**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** n/a  
**Film Number:** D750252-0676  
**From:** SINGAPORE  
**Handling Restrictions:** n/a  
**Image Path:**  
**ISecure:** 1  
**Legacy Key:** link1975/newtext/t197507103/baaaagfv.tel  
**Line Count:** 269  
**Locator:** TEXT ON-LINE, TEXT ON MICROFILM  
**Office:** ACTION EA  
**Original Classification:** LIMITED OFFICIAL USE  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 5  
**Previous Channel Indicators:**  
**Previous Classification:** LIMITED OFFICIAL USE  
**Previous Handling Restrictions:** n/a  
**Reference:** n/a  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** GolinoFR  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 03 APR 2003  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <03 APR 2003 by Izenbel0>; APPROVED <09 APR 2003 by GolinoFR>  
**Review Markings:**

Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
06 JUL 2006

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** n/a  
**TAGS:** OTRA, OGEN, AFSP, SN  
**To:** STATE  
**Type:** TE  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006